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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/031,767	02/27/1998	KAZUHIKO HATANO	35.C12600	9089
5514	7590	10/06/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TILLERY, RASHAWN N	
		ART UNIT		PAPER NUMBER
		2612		19
DATE MAILED: 10/06/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/031,767	HATANO, KAZUHIKO
Examiner	Art Unit	
Rashawn N Tillery	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 25 August 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 16-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 16-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .      6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

Claims 16-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 16, Applicant claims a combining circuit that combines a first field image signal and a <sup>2nd</sup> ~~first~~ field image signal,...wherein in a first mode, a part of the first field image signal and a part of the second field image signal are selected to produce one field image signal. Applicant's specification does not describe the claimed subject matter. On page 14 of the specification, Applicant's specification teaches replacing a portion of one field with a corresponding portion of the other field and synthesizing the two video signals to obtain a final video signal (see lines 6-14). The examiner notes that because Applicant's specification teaches the two fields are even and odd fields, that a frame image signal is subsequently produced from the synthesization (see page 13, line 15). Additionally, in figures 5 and 12, two separate embodiments, Applicant's specification teaches a system for judging the type of motion of the camera- it judges whether the motion is by hand vibration or other motion; if it is determined to be other motion, the two images are not synthesized and a single field is output. However, it is determined that the motion is by hand vibration, the two field signals <sup>are</sup> ~~and~~ synthesized to

produce a frame image signal (see page 16, line 21 to page 17, line 16; also see page 21, line 8 to page 23, line 4). Nowhere in Applicant's specification is there mention of outputting a single field image signal from the synthesization of two field image signals.

Because of the discrepancy, the examiner has issued a new Final Rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael et al (US4272787) in view of Takahashi et al (US5162914).

Michael teaches a T.V. picture freeze system capable of capturing a video frame comprising first and second fields, frame storage for storing information from the first and second fields, a movement detector storage for storing data indicative of any movement detected and a selector for selectively outputting information from a single field or both fields depending on the stored movement data (see col. 2, lines 43-68). Moreover, if no movement has been detected, information from both fields is used; however, if movement has occurred, only a single field is used.

Takahashi teaches an image sensing device capable of forming a picture from a plurality pictures of different exposures obtained in single field (see col. 6, lines 48-55).

Regarding claim 16, Michael discloses, in figure 2, an image sensor (inherent feature) that picks up an image corresponding to an optical image, and produces a first field image signal and a second field image signal different from the first field image signal (see examiner's notes above);

a combining circuit (18) that combines the first field image signal and the second field image signal in one of a first mode (outputting a single field signal), where a single field image is output, and a second mode (outputting both field signals), where the first field image signal and the second field image signal are added to produce one field image signal (see examiner's notes above);

a detecting circuit (23) that detects an amount of motion vector and produces a detection signal in comparison with a predetermined threshold level; and

a control circuit (18) that selects the first mode or the second mode in response to the detection signal from the detecting circuit.

Michael does not expressly disclose producing one field image signal by selecting a part of the first field image signal and a part of the second field image signal. Takahashi, however, reveals that it is well known in the art to combine portions of image signals taken at different exposures to produce a single field image signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Michael's teachings of outputting a single field image, since Michael clearly outputs an image with less data (only half of a frame is selected), by Takahashi's teachings. It would have been highly desirable for Michael, when motion has been

detected, to combine portions of each field as taught by Takahashi. One would have been motivated to do so in an effort to produce a more complete image signal.

Regarding claim 17, Michael inherently teaches the first field image signal and the second field image signal are sequential signals since the fields compose a single frame.

Regarding claim 18, see examiner's notes above.

Regarding claim 19, see examiner's notes above.

Regarding claim 20, see examiner's notes above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

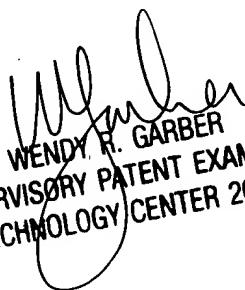
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

RNT  
October 1, 2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600